

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**
CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO THE CASE
IDENTIFIED ON EXHIBIT A

**ORDER AND SUGGESTION OF REMAND
FOR CASE ON EXHIBIT A**

Pursuant to 28 U.S.C. § 1407 and the Rules for Multidistrict Litigation promulgated thereunder, specifically Rule 10.1(b), the court suggests that the action on Exhibit A be remanded to the United States District Court from which it came, the United States District Court for the Northern District of Texas.

The individual case on Exhibit A was transferred by the Judicial Panel on Multidistrict Litigation to the Southern District of West Virginia and is related to MDL 2327, 2:12-md-2327, one of several MDLs assigned to me by the Panel. No MDL defendants remain in this case and, as a result, remand of the case is now appropriate.

On or before **June 18, 2019**, the parties are **ORDERED** to confer and to file *in the individual case on Exhibit A*, all documents from the main MDL that the parties jointly deem

relevant to constitute an appropriate record for the receiving court to consider.¹

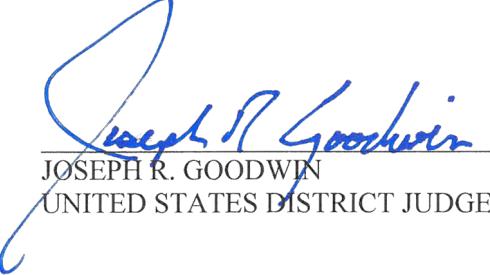
The court **ORDERS** that upon receipt and filing of an order to remand from the Clerk of the Judicial Panel on Multidistrict Litigation (hereinafter the “Transfer Date”), the Clerk of this court, pursuant to 28 U.S.C. § 1407, shall remand the case on Exhibit A to the United States District Court for the Northern District of Texas. If the case on Exhibit A remains pending on the Transfer Date, it must be remanded, and the parties shall bear the consequences in the receiving court of any failure to prepare an appropriate record as directed in this order. The parties and the receiving court are hereby advised that all Pretrial Orders entered in this matter are available for review on the court’s website at www.wvsd.uscourts.gov/MDL/2327/orders.html and the master docket sheet can be found on CM/ECF at 2:12-md-2327.

Any joint motion to dismiss may be ruled upon and any proper stipulation of dismissal may close a case prior to remand. On the Transfer Date, the Clerk is hereby **DIRECTED** to use the appropriate function in CM/ECF to extract the member case listed on Exhibit A if it remains pending and remand it to the United States District Court for the Northern District of Texas. After remand of the case on Exhibit A, the Clerk is **DIRECTED** to formally close the case and strike it from the docket of this court.

¹ When filing the documents from the main MDL, the parties are directed to use the CM/ECF event entitled “Designation of Record for MDL Transfers” (available under Civil > Other Filings > Other Documents). When completing the event, the “Main Document” should be the list of joint designations from the main MDL, and the “Attachments” should be each individual document on the joint designation list with the “Description” being the ECF number and a brief description of the document (i.e. ECF 96 – Defendant’s Motion for Summary Judgment).

The court further **DIRECTS** that a copy of this Order and Suggestion of Remand and Exhibit A be filed in the case on Exhibit A and sent to the Clerk of the MDL Panel and counsel of record or any unrepresented party for the case listed on Exhibit A.

ENTER: June 11, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

Exhibit A

<u>Case Name</u>	<u>Case Number</u>	<u>Remand Jurisdiction</u>
Garcia v. Marie-Blanche, et al.	2:14-cv-17975	Northern District of Texas